

REMARKS

Introduction

A three-month extension of time to respond to the September 16, 2005 Office Action is hereby respectfully requested. The Director is hereby authorized to charge \$510.00 for the three-month extension of time fee, any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 06-1075 (order no.: 000272.0118). A duplicate copy of this response is enclosed.

Claims 1-24 have previously been cancelled without prejudice. New claims 26 and 27 have been added. Claim 25 is also currently pending in this application. No new matter has been added by the amendments to the claims.

Claim 25 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 and 22 of co-pending U.S. Patent Application No. 10/458,921 (hereinafter "the '921 application").

Claim 25 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Komuro et al. U.S. Patent 6,622,954 (hereinafter "Komuro").

Reconsideration and allowance of this application in light of the following remarks is hereby respectfully requested.

The Double Patenting Rejection

Claim 25 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 and 22 of the '921 application. Accordingly, attached hereto is a Terminal Disclaimer disclaiming the portion of the term of any patent to be granted on this application which would extend beyond the expiration of any patent to be granted on the '921 application (now U.S. Patent 6,991,194). The Terminal Disclaimer overcomes the judicially created doctrine of double patenting rejection of

claim 25. Therefore, the double patenting rejection should be withdrawn.

The Director is hereby authorized to charge \$65.00 in payment of the fee for filing the Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c), any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075 (order no.: 000272.0118). A duplicate copy of this paper is transmitted herewith.

The Rejection Based on 35 U.S.C. § 102

The Examiner rejected claim 25 under 35 U.S.C. § 102(e) as being anticipated by Komuro. Applicants respectfully traverse.

Applicants' invention, as defined by independent claim 25, is directed to an apparatus for winding wire coils onto a dynamo-electric machine component. In particular, a plurality of needle supports are "respectively disposed in adjacent parallel planes" for "respectively supporting a plurality of wire dispensing needles collectively disposed in a single plane parallel to the adjacent parallel planes of the needle supports."

As done similarly in the April 29, 2004 Office Action in the '921 application, the Examiner contends that the needle supports of Komuro anticipate the needle supports of applicants' claim 25 (Office Action, page 2, lines 5-7). This is not so. Rather, Komuro only shows needle supports (e.g., needle supports 41) that are disposed within a single plane (see, e.g., Komuro, FIG. 4).

Therefore, at least because Komuro fails to show or suggest "a plurality of needle supports respectively disposed in adjacent parallel planes," as required by applicants' independent claim 25, Komuro fails to show or suggest all the


Application No. 10/622,075
Amendment dated March 15, 2006
Reply to Office Action of September 16, 2005

features of applicants' independent claim 25. Thus, for at least the above reasons, applicants' independent claim 25, and any claims dependent therefrom, including new claims 26 and 27, is patentable over Komuro. Applicants respectfully request, therefore, that the rejection under 35 U.S.C. § 102(e) of applicants' claim 25 be withdrawn.

Conclusion

The foregoing demonstrates that claims 25-27 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



Jeffrey C. Aldridge
Registration No. 51,390
Agent for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090